

EXHIBIT "E"

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C-114873



CALIFORNIA FARM BUREAU FEDERATION

DEPARTMENT OF ENVIRONMENTAL ADVOCACY
2300 RIVER PLAZA DRIVE, SACRAMENTO, CA 95833-3293

CAROLYN S. RICHARDSON, DIRECTOR
RONALD LIEBERT
HENRY E. RODEGERDTS
BRENDA JAHNS SOUTHWICK
BECKY DELL SHEEHAN
ATTORNEYS AT LAW

February 4, 2000

TELEPHONE (916) 501-5002
FACSIMILE (916) 501-5001

The Honorable Mary Nichols
Secretary
The Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Re: Need for Formal Definition of Agriculture in CALFED Process

Dear Mary:

As you know, the California Farm Bureau Federation ("Farm Bureau") has been an active participant in the Ecosystem Roundtable. We have met with CALFED staff frequently in an attempt to improve the proposal solicitation process and focus CALFED's resources on the most viable and environmentally beneficial projects. Farm Bureau's staff have had numerous communications, both oral and written, with Rebecca Fawver, Peter Jacobson and Wendy Halverson Martin regarding the need to include a formal definition of agriculture in the process. Such a definition is vital to the proper administration of the CALFED Bay-Delta Program, particularly the Ecosystem Roundtable Program. There is no reliable way to assess the impacts of the CALFED program on agricultural resources without this definition.

We are confused as to why the CALFED staff, and their legal counsel, are reluctant to adopt a formal definition of "agricultural land resources" and "continuing agricultural activities," (i.e., a definition of "agriculture") and include that definition in year 2000 Proposal Solicitation Package ("PSP") currently under review. In a January 26, 2000 conversation, Rebecca Sheehan was told by your staff member, Rebecca Fawver, that the Year 2000 PSP would not include a definition of "agriculture." Ms. Fawver stated that no definition would be developed until approval of the CALFED Programmatic Record of Decision (ROD) in June 2000. Meanwhile, the PSP would move forward and be finalized.

Clearly, CALFED's compliance with the California Environmental Quality Act ("CEQA") and the National Environmental Policy Act ("NEPA") hinges upon its ability to review the program's effects upon agricultural resources. These effects must, in turn, be addressed as environmental impacts and avoided or mitigated. The Farm Bureau does not understand how CALFED could possibly develop an agricultural mitigation plan, as required by both NEPA and CEQA, without a means of consistently reporting the conversion of agricultural land.

"Agriculture" is legally defined in many places, most notably in CEQA itself. Thus, we cannot fathom why you and your staff would settle for an inadequate PSP that would further impede CALFED's record keeping, especially since your staff has acknowledged the glaring inadequacies of the current system.

An easy solution would be to adopt the CEQA definition of "agriculture." Since CALFED is legally required to uphold SEQUA, the Farm Bureau would support that definition as a reasonable and obvious choice. However, as an alternative, we again offer the following definitions and their legal sources:

Definition of Agricultural Land

"Agricultural land" means land that is within an agricultural zoning designation at the time of acquisition, land classified as agricultural according to the Soils Conservation Service's Farmland Mapping Series, prime agricultural lands as defined by the Williamson Act, and/or land used for agricultural activities as defined by the California Right to Farm Ordinance.

Definitions:

"Agricultural Zoning Designation," is any zoning designation that permits agriculture as a permissible use (regardless of whether a permit or other approval is required.)

"Lands classified as agricultural according to the Soil Conservation Service," includes Prime, Farmlands of Statewide Importance, and Unique Farmlands.

"Agricultural Lands as defined by the Williamson Act," see Cal. Gov. Code §51201(c)(1) through (5); see also Cal. Gov. Code §51201(a) and (b.)

"Definition of agricultural purposes according to the state Right to Farm Ordinance," see Cal. Civil Code § 3482.5(e.)

Definition of Continuing Agriculture

"Continuing Agriculture" or "Maintained in Existing Agriculture," is a parcel that has been purchased, either in-fee or by easement, is considered to be maintained in agricultural production if:

- (1) Land planted with fruit- or nut bearing trees, vines, bushes or crops which have a non-bearing period of less than 5 years and which will normally return during the commercial bearing period

on an estimated annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200.) per acre.

(2) Land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than two hundred dollars (\$200.) per acre for three of the previous five years.

(The above definition is from the Williamson Act, Cal. Gov. Code §51201(c)(3) and (4).)

We continue in our desire to collaborate with you to ensure implementation of an effective CALFED program that benefits all stakeholders.

Sincerely,



BILL PAUL
President

BP:mo

cc: Wendy Halverson Martin, Program Coordinator
CALFED Bay/Delta Program
Margit Arambru, Delta Protection Commission
Kathy Manion, Western Growers
Dan Keppen, NCWA
Steve Shaffer, Dept. of Food and Agriculture
Martha Guzman, United Farm Workers

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